

**WAUKESHA COUNTY
MINUTES FOR THE JOINT MEETING OF THE
PARK AND PLANNING COMMISSION AND
LAND USE, PARKS AND ENVIRONMENT COMMITTEE
THURSDAY, MARCH 2, 2006, 9:00 A.M.**

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Mareth Kipp, Chairperson of the Waukesha County Park and Planning Commission.

Commission Members

Present:	Mareth Kipp, Chairperson	Walter Kolb	Pat Haukohl
	Walter Baade	Betty Willert	Gary Goodchild
	Ellen Gennrich (arrived at 11:40 a.m.)		

Commission Members

Absent: None

Waukesha County Land Use,
Parks and Environment Committee
Members Present:

Walter Kolb, Chairman	Pauline Jaske	Scott Klein
Kathleen Cummings	Vera Stroud	
Bill Kramer (left at 12:30 p.m.)		

Waukesha County Land Use,
Parks and Environment Committee
Members Absent:

Daniel Pavelko

Staff Members Present:

Richard L. Mace, Planning & Zoning Manager
Mark Mader, Legislative Policy Advisor
Kathy Brady, Secretary Supervisor

Guests Present:

David Donoian	Scott Bence	Claudine Setzke
Maria Olig	Rebecca Chiang	Richard Kobriger
Bonnie Morris	Dan Harris	Dorothy Grouchowski
Peter Gross	Herb Gross	Kent & Lew Hanson
Amy Daby	Ralph Bergman	Dennis Robus
Bill Minett	David Melum	Chad Zesnanski
John Lietzau		

PUBLIC COMMENT

Chairperson Kipp asked if anyone from the audience wished to address the Commission? There being no one, she moved to the next item on the agenda.

MINUTES

- *Mr. Kolb moved, seconded by Mrs. Haukohl and carried unanimously by both the Waukesha County Land Use, Parks and Environment Committee and the Waukesha County Park and Planning Commission for approval of the February 9, 2006, Joint Public Hearing Minutes.*

CONSIDERATION OF YEAR 2006 REQUESTS FOR AMENDMENTS TO THE WAUKESHA COUNTY DEVELOPMENT PLAN (WCDP)

The following items, which are noted in the “Notice of Public Hearing” are presented.

1. In the Town of Brookfield, the following requests are being made:
 - A. *S & T North Shore, LLC*, P.O. Box 347, Brookfield, WI 53008, requests their property located in part of the NW ¼ of the SW ¼ of Section 29, Town of Brookfield, (Tax Key No. BKFT 1123.997.004) be amended to revise one of the conditions of their 2005 Land Use Plan Amendment which limited the total number of dwelling units based upon the requirements set forth in the Waukesha County Shoreland and Floodland Protection Ordinance. The Shoreland Ordinance no longer applies to the majority of the site based upon a recent determination by the Wisconsin Department of Natural Resources (DNR) that two (2) ponds located north and east of the subject site are not navigable public ponds, therefore, the Shoreland jurisdictional boundaries are not measured 1,000’ from said ponds.

Mr. Mace indicated the property is located on the north side of Bluemound Road in the Town of Brookfield. Adjacent properties include the Elite Tennis Club, Pano’s Restaurant, Motel 6, Quality Inn and Tire America. The site was included as a 2005 WCDP amendment, which was approved subject to a number of conditions. At that time, a maximum number of 22 dwelling units were allowed for the project due to the shoreland jurisdictional boundaries being measured 1,000’ from a pond located to the north. Since that time, the ponds have been deemed non-navigable by the DNR, thereby, eliminating the 1,000’ boundary. The berm from another pond has been removed and the pond is currently drying up and reverting to wetland conditions. The DNR indicated in correspondence that the other ponds closer to Bluemound Road are considered tributary streams to the main stem of Poplar Creek and are not ponds. Because of the DNR’s most recent determination, the shoreland jurisdiction is currently 300’ and the petitioner is requesting to revise the condition from 2005 from 22 to 32 units. Mrs. Haukohl wondered, because of the increased density, when would the stormwater runoff issues be addressed? Mr. Mace replied, after the Development Plan is submitted. Chairperson Kipp asked if there would be Commercial towards the front of the property? Mr. Mace replied, “Yes”. Chairperson Kipp asked if the petitioners requested access onto Bluemound Road, to which Mr. Mace replied “No”. Mrs. Jaske asked if the petitioner paid fees in both 2005 and 2006 for an amendment to the WCDP? Mr. Mace replied “Yes” and added that the DNR’s determination on the navigability of the ponds was completed in September 2005. Mrs. Jaske said, with efficiencies and cooperation between governments the petitioner could have saved some money. Mr. Mace explained there was a further determination by the DNR completed after the 2005 amendment process and noted that the Developer did not have any complaints.

Attorney Kobriger, representing the Developer, introduced himself and said he was available to answer any questions of the Commission or Committee. Mr. Goodchild said in 2005, there was discussion of a roadway to Barker Road for access. Attorney Kobriger explained that Jennifer Drive (cul-de-sac off of Bluemound Road) is a private street. There is currently an easement to connect Jennifer Drive with the private street of the Elite Tennis Club, which will provide a connection between Bluemound and Barker Roads. The proposed request is that the condition regarding the restriction of 22 units be revised to 32 units. Chairperson Kipp asked, if by connecting the two private roads the road would be used as a bypass to Bluemound Road? Attorney Kobriger replied, the road will be private and was considered during the development process. He added that configuration, signage, etc. will be taken into consideration. Chairperson Kipp expressed concerns that the road would be used to cut through to Bluemound Road. Mr.

Kobriger said conceptual approval for the development was received, including the connection of the road from the Town of Brookfield in 2004 with the high-density units, etc. In addition, the issue was also discussed during Joint Public Hearings between Waukesha County and the Town of Brookfield when the property was going through the rezone process.

After discussion, Mr. Kolb moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- B. ***J.B.J. Development Company***, for property owned by the Town of Brookfield in the NE ¼ of the SW ¼ of Section 29 (Tax Key No. BKFT 1123.977.003) requests a modification to the conditions imposed on the property in the 2005 Land Use Plan Amendment relating to the 1,000' Shoreland jurisdiction from the aforementioned public bodies of water on the lands to the west of the subject site, which are no longer classified as public water bodies, reducing the County Shoreland jurisdiction to only the floodplain on this property thereby eliminating the issue of residential density as it relates to the Waukesha County Shoreland and Floodland Protection Ordinance. The petitioner is proposing a density of 64 units, which is consistent with the Waukesha County Development Plan. The second condition that the petitioner asks to be revised is the access requirement to Janacek Road and that Elizabeth Court be gated and used for emergency purposes only. It is the petitioner's request that this condition be eliminated. A third condition is requested to be modified regarding building height.

Mr. Mace indicated the property is currently owned by the Town of Brookfield. Adjacent properties include the Brookfield Town Hall and garage, Funworld, Children's World, Bartz Displays and approximately five or six single-family residences to the north. The Developer and the Town have requested that some of the conditions surrounding the 2005 WCDP amendment be revised. Previously, due to the shoreland jurisdictional boundaries, the number of dwelling units was limited to 52, access to Janacek Road was required from the development and access to Elizabeth Court was required to be gated and used for emergency use only and the height of the northerly building was required to be reduced. Since the nearby ponds have been deemed non-navigable by the DNR and the shoreland jurisdictional boundaries have changed, the Planning and Zoning Division Staff is recommending a change from 52 dwelling units to a maximum limit of 64 dwelling units and noted that the Developer is in agreement with the change. Regarding the height of the northerly building, the Planning and Zoning Division Staff is recommending it be limited to a specific elevation of 880' above mean sea level. The Staff felt the height limitation would not have adverse affects on the viewshed for adjacent properties to the north. In addition, there is a thick and fairly significant vegetative buffer along the north boundary. The Town also planted trees to the rear of the town garage, which are effective in screening the properties to the north and the Staff is recommending extending the same type of vegetative screening westerly along the north property line to which the Developer is in agreement. Chairperson Kipp asked if the buffer is adequate during the winter months, to which Mr. Mace replied, “Yes”, and noted the initial height of the pines would be 4' to 6'. Mrs. Haukohl asked if the conditions would be specifically listed on the Resolution stating the above-mentioned revised conditions? Mr. Mace replied “Yes”. Mrs. Haukohl suggested a condition be added stating that a Deed Restriction be placed, in perpetuity, on the Primary Environmental Corridor (PEC) areas of the property indicating that no further development shall take place. Mr. Mace agreed and said it was also the intent of the Developer. Previously, the PEC area was to be dedicated to the Town. However, there was concern that the Town would not be able to manage the Butler Garter snake habitat area. There have been

discussions the area may be kept by the homeowners and Developer and a long-term agreement be entered into or ownership of the land by a nature conservancy group which would have the ability to maintain the snake habitat area.

Mr. Mace indicated the petitioner is also requesting that Elizabeth Court be the primary access for the development. The Planning and Zoning Division Staff is recommending that the primary access for the site be from Janacek Road. He said a primary access to Bluemound Road via Elizabeth Court is improper and unsafe because there is not a direct median crossing. The Staff is recommending that Elizabeth Court be gated and used for emergency use only. Chairperson Kipp agreed. Mr. Goodchild said if Elizabeth Court is to be utilized as a “right in/right out” access to the development and was used properly, it would be safe. Mr. Mace cautioned, “Only if it could be enforced.” Chairperson Kipp said with 64 units averaging ten trips daily, it would generate additional traffic and felt the primary access should be to Janacek Road, which would be safer. Mr. Goodchild said that Janacek Road could be the main entrance, and Elizabeth Court could be utilized as a “right in/right out” access. Mr. Kolb felt that it was unfair to make a decision based on possible violators and felt as a “right in/right out” access, it would be safe as long as the Ordinance and law is adhered to. Mr. Kramer and Mr. Goodchild agreed. Chairperson Kipp and Mrs. Haukohl felt it was a safety issue and could not support Elizabeth Court as a direct access to Bluemound Road.

After discussion, Mr. Kolb moved, seconded by Mr. Goodchild to approve the request with a change to Condition No. 2 stating that the Elizabeth Court access not be gated.

Mrs. Cummings noted the Staff has researched the issue and felt the condition regarding access to Elizabeth Court being gated and used for emergency purposes only was appropriate. Mr. Kolb argued that if the access is legal and safe, does the Commission have the right to make a decision based upon possible violators and felt it was a hardship for the Developer. Mr. Goodchild agreed with Mr. Kolb and felt it was a safe condition to make it a “right in/right out” access from Elizabeth Court to Bluemound Road.

After further discussion, the motion was defeated by a vote of 3 to 3 (Mrs. Willert, Mrs. Haukohl and Chairperson Kipp voted against).

Mrs. Haukohl moved for the addition of Condition No. 4, which will read as follows:

- 4. A Deed Restriction shall be placed, in perpetuity, on the Primary Environmental Corridor areas of the property indicating that no further development shall take place.***

The Commission unanimously approved Mrs. Haukohl’s motion for the addition of Condition No. 4.

Chairperson Kipp asked if anyone from the audience wished to address the Committee and Commission? Mr. Bence, from J.B.J. Development, agreed with the Staff’s Recommendation regarding Conditions No. 1 (number of units allowed) and No. 3 (building height). They are requesting reconsideration of Condition No. 2 to remove the restriction that Elizabeth Court be gated and used for emergency purposes only. While working with the Town, feedback was received from the neighbors to the north and they too are concerned with the development only having one access. It was indicated they would like to see Elizabeth Court opened as a secondary route. The primary access would remain through the Town Hall’s property to

Janacek Road. A traffic study was completed and it was determined that there has not been any substantial amount of traffic issues at Elizabeth Court or at the median during the past ten years. From the Town and Developers standpoint they feel a secondary access would work.

Mrs. Setzke, neighbor, said she and the other nearby residents are concerned with the increase in the number of dwelling units. When the land was originally authorized to be sold, the Town had an annual meeting where a rendering was submitted by the Developer indicating a total of approximately 37 to 42 units. The Town also told the residents at the meeting that there would not be anymore than 50 to 55 units on the land, the buildings would be required to be no more than two stories high and no access to Janacek Road. Several months later, the Town accepted an offer to purchase for a minimum of 65 units. Mr. Mace added that the Developer originally requested 77 units and 64 units are currently being recommended. Mrs. Setzke said that the residents do not feel it is the Town's right to determine how much the Developer's will make. Once the development is built, the additional traffic will add to the problem and the neighbors prefer that the buildings be no more than two stories in height.

Chairperson Kipp asked if the third story was removed from the northerly building? Mr. Mace replied "Yes", and added that one level of underground parking would be included. However, the other two buildings will be three stories in height with one level of underground parking. Mr. Bence clarified, the parking level for the east building is entirely underground and the west building is partially exposed. Chairperson Kipp asked what is the elevation change between the buildings? Mr. Bence replied from the bulb of the cul-de-sac to the northeast corner of the property is between 830 and 875 to 880. Chairperson Kipp asked if all of the buildings will be the same height, to which Mr. Bence replied "Yes". He added, in addition to removing one story of height, the entire building was depressed by approximately five ft. Mrs. Haukohl expressed concerns regarding the loss of trust in government, whereas the neighbors were told one thing at the annual meeting and something else being approved later. She asked if there was an agreement with the neighbors that the Town could sell the land or if the Town needed to inform the neighbors of their intent to sell the land? Mrs. Setzke replied that there is an annual meeting where the entire Town gets together, and at that time, the voters authorized the Town Board to sell the land contingent on the buildings being two stories, no more than 50 to 55 units, no condominiums and no access to Janacek Road. Chairperson Kipp said the Commission and Committee would need to see those conditions in writing. Mrs. Setzke felt the Town Board did not act in good faith when the offer for a minimum of 65 units was accepted. Mr. Mace said, by Ordinance, the Developer is being recommended to have a maximum of 64 units. Mr. Kolb said that the ponds are gone, and as a result, the amount of land has changed that was considered in the shoreland jurisdiction. Mr. Kramer added that it seems the Town misled the residents, but as a member of the County Board he found it hard to be responsible for what other levels of government do.

Mr. Mace explained (regarding the number of dwelling units allowed) that there is approximately 8.9 acres of upland (non floodland) plus an acre of corridor, which is upland. In calculating the 8.9 acres only, using the Medium Density Residential category (maximum of 6,000 sq. ft. per unit), the Developer is allowed 64.614 units on the site. Sixty-four units are what the maximum density can be, based on the Land Use Plan categories (upland areas on the MDR category). Further, the 52 units came about because the entire site was 1,000' from the pond and when the Shoreland Ordinance was applied, the limitation was 8,000 sq. ft. per unit, which equals 52 units. Mrs. Cummings asked, with regards to Mr. Bence's comment that the neighbors support Elizabeth Court not being gated and utilized as a secondary entrance to the development if it was true? Mrs. Setzke replied she never discussed the issue with Mr. Bence and the only access, which

was discussed was the Janacek Road access. Mr. Baade mentioned, at the Town's annual meeting the 52 units mentioned were most likely based on the shoreland jurisdictional limits. Mr. Mace said the Developer originally requested 77 units.

Mr. Lake, Town of Brookfield Building Inspector explained that at the annual meeting a question arose as to how many units could be developed on the parcel. Several prior development proposals were denied on the parcel and the Town purchased the property and has owned it for seven years. As he understood it, originally, there were six developable acres on the land and under Town zoning, it would have allowed between 50 and 55 units. Currently, there are 8.9 acres of developable land. Chairperson Kipp noted the limitation of 50 to 55 units was based on information on the original six acres of developable land. Mrs. Haukohl asked if there was a motion and a vote to accept a certain number of units? Mr. Lake replied "No", it was part of the general discussion to sell or not sell the property. He added there was no detailed survey or conditions on the sale of the land. Mr. Donoian (agent for the Town of Brookfield for the sale of the property) said when he originally was assigned to evaluate the sale of the property, there was no survey on the property except for a boundary survey, which showed the 18 total acres and there had been no previous wetland delineations. It was left to the Developers to prepare their own wet delineation. Mr. Bence said the original proposal requested 77 units and noted with the upland portion (east of Elizabeth Court) and the uplands within the PEC there is approximately 10.3 acres, which is what the 77-unit figure was based upon. With the conditions of the single-family residential properties to the north, the removal of the shoreland and after discussions with the Planning and Zoning Division Staff, the 64-unit figure was decided upon. Chairperson Kipp asked if the lot to the north was included in the calculations, to which Mr. Mace replied "No". Mr. Bence reiterated, the lot to the north was acquired to provide protective buffers for the Butler Garter snake.

Final Motion

Mr. Goodchild moved, seconded by Mrs. Willert, for approval, and carried unanimously, as conditioned, in accordance with the "Staff Report and Recommendation" with the addition of Condition No. 4 stated above. The approval of this request will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- C. ***The Town of Brookfield***, has requested a number of amendments to the Land Use Plan categories relative to various locations throughout the Town and the proposed land use categories vary and include the locations as follows:
1. The old landfill north of Capitol Drive from the Low Density Residential (LDR) category to the Recreational category.

Mr. Mace indicated the Planning and Zoning Division Staff is recommending approval of the request.

2. Two (2) parcels on North Springdale Road north of Watertown Road from the Transportation, Communication and Utilities category to the Commercial category.

Mr. Mace said that a trucking firm and a landscaping supply firm occupy the parcels and the Planning and Zoning Division Staff is recommending approval of the request.

3. A residential parcel to the east of Sam's Club from the Industrial category to the Commercial category.

Mr. Mace indicated the property is located on the north side of Bluemound Road, east of the entrance to the Sam's Club retail center and approximately one acre in size. Surrounding uses are all commercial or office type uses. The Planning and Zoning Division Staff is recommending approval of the request.

4. A number of parcels fronting on the east side of Barker Road north of the tennis club to Larkspur Drive from the LDR category to the Medium Density Residential (MDR) category.

Mr. Mace indicated the area requested for change contains five or six lots on the east side of Barker Road and two larger lots, north of the Brookfield Tennis Club. The Town requested the area be changed to the MDR category. Surrounding lands are located in the LDR category. The Planning and Zoning Division Staff is recommending denial of the request and did not feel that allowing greater densities would be appropriate. Mrs. Jaske asked if the two larger parcels by themselves would be appropriate to change to the MDR category? Mr. Mace replied "No", only if they were joined together into a larger parcel. Chairperson Kipp asked what is the purpose of requesting the change for the smaller parcel? Mr. Lake replied, the Town Plan Commission expressed concerns regarding the number of single-family homes with separate driveways along Barker Road. They felt there wouldn't be an incentive for anyone to redevelop the properties, removing all of the separate driveways unless there was a density benefit. Chairperson Kipp said, when there are seven willing sellers and one willing buyer the change could come forward again. Mr. Klein added that a plan should also be submitted.

5. A number of residential parcels on both sides of Brookfield Road north of Wisconsin Avenue from the LDR category to the MDR category.

Mr. Mace said the Planning and Zoning Division Staff is recommending the Town's request be revised and the properties be changed to the Low/Medium category. The Town had requested a change to the MDR category and felt it was appropriate to reduce the number of individual driveways onto Brookfield Road. The Staff felt the request was aggressive and inappropriate at the present time, and recommended a compromise of Low/Medium.

6. The Regency Care Facility on the west side of Brookfield Road from the MDR category to the Institutional category.

Mr. Mace said the Planning and Zoning Division Staff is recommending approval of the request.

7. The existing senior living project immediately south and adjacent to the Regency on the west side of Brookfield Road from the MDR category to the High Density Residential (HDR) category.

Mr. Mace indicated the Planning and Zoning Division Staff is recommending approval of the request. Mrs. Jaske asked if there should be a different category for senior facilities? Mr. Mace replied that categories must be grouped into broad use categories or else there would be too many.

8. An existing parcel on the south side of Wisconsin Avenue west of Woelfel Road, which presently contains a multi-family structure from the MDR category to the HDR category.

Mr. Mace said that adjacent properties are located in the MDR category. There are 20 units located in the multi-family structure. The Planning and Zoning Division Staff recommends denial of the request because it may encourage other surrounding properties to increase their densities and the property can continue to exist in its present MDR category.

9. The Wynwood House Assisted Living Facility on the southeast corner of Wisconsin Avenue and Woelfel Road from the MDR category to the Institutional category.

Mr. Mace said the Planning and Zoning Division Staff recommends approval of the request.

10. Six (6) parcels on the southeast side of East Moreland Boulevard (U.S. Highway 18) across from Steins's Garden Mart from the Commercial category to the Commercial (Office) category.

Mr. Mace indicated the request includes five single-family residences and an office building on the southeast side of East Moreland Boulevard served by a frontage road. The Planning and Zoning Division Staff recommends approval of the request.

11. The Hulbert Hills, Dale's Acres, Kossow, Westbrooke I and II Subdivisions, all located along both sides of Kossow Road and on both sides of Davidson Road from the LDR category to the MDR category

Mr. Mace said the property encompasses a 1.5 square mile area. The Town's request was to change to the MDR category, however, the Planning and Zoning Division Staff is recommending the property be placed in the Low/Medium category. The Staff felt it was a good compromise from the MDR, which lies to the west and HDR to the east. It would also allow for some redevelopment for the larger tracts within the area.

12. The Brookfield Highlands Senior Apartments on the north side of Davidson Road, east of Kossow Road from the MDR category to the HDR category.

Mr. Mace said the Planning and Zoning Division Staff recommends approval of the request.

13. The mixed industrial office uses south of Bluemound Road, north of I-94 and on both sides of Janacek Road from the Industrial category to the Commercial (Office) category.

Mr. Mace said there is a mixture of both light industrial and office uses in the area. The Town indicated that there has been an increase in interest for office development, which prompted the request. The Planning and Zoning Division Staff recommends approval of the request.

14. The three single-family residential parcels on the east side of Brookfield Road north of Follet Drive from the LDR category to the MDR category.

Mr. Mace indicated the three single-family residential parcels are surrounded by MDR (condominiums and an extended stay motel across the street). The Planning and Zoning Division Staff recommends approval of the request.

- 15a. The residential parcel east of Janacek Court and north of I-94 from the LDR category to the MDR category.

Mr. Mace indicated the property is approximately 8.1 acres in size with the south half of the property containing steep wooded slopes and a residence with outbuildings located on the remainder of the property. The Planning and Zoning Division Staff recommends approval of the request.

- 15b. The apartment buildings on the west side of Brookfield Road immediately north and adjacent to I-94 and south of Deer Creek from the MDR category to the HDR category.

Mr. Mace indicated the multi-family project contains 56 units on approximately nine developable acres, containing seven, eight-family buildings. The Town is recommending the property be changed to the HDR category, however, the Planning and Zoning Division Staff recommends the property remain in the MDR category, which is consistent with the present use. Mr. Lake pointed out on the aerial photograph, the parcel boundaries which go to the centerline of the creek with a total of 12.39 acres. The developable area is far less than nine acres. Mr. Mace cautioned against relying on FEMA floodplain data as it may be somewhat inaccurate.

16. Various parcels along Greenfield Avenue, on the north side adjacent to Weston Hills Subdivision and a single residential parcel on the northwest corner of Barker Road and Greenfield Road from the MDR category to the Commercial category.

Mr. Mace said (regarding the three parcels along Greenfield Avenue), many comments were received from neighboring property owners of the Weston Hills Subdivision, other surrounding properties and the City of Brookfield, which were all opposed to the change. Mrs. Haukohl noted that she was also opposed to the request. Mr. Mace explained that because the Planning and Zoning Division Staff is recommending approval for part of request No. 16 and denial for the remaining portion it would be split into two separate requests on the final Resolution (No. 16a, three parcels along the north side of Greenfield Avenue, adjacent to Weston Hills Subdivision and 16b, a single residential parcel on the northwest corner of Barker Road and Greenfield Avenue from MDR to Commercial)

Mrs. Haukohl asked, regarding No. 16b, if the area of change, close to Poplar Creek encroaches on any of the environmental corridor? Mr. Mace replied, “Yes,” however, only the upland would be changed and the lowland and wetland would stay in the PEC. Mrs. Cummings asked (with regards to No. 16b) how the access would be affected near the intersection? Mr. Mace replied that access to a redevelopment on the site would be limited by both the State and the County. He said access would likely stay the same as it currently is off of Barker Road.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval in accordance with the “Staff Report and Recommendation” for the Town of Brookfield request 1C. In addition, it was decided to divide Request No. 16, to 16a and 16b to read as follows:

16a. Three parcels along the north side of Greenfield Avenue, adjacent to Weston Hills Subdivision from the MDR category to the Commercial category.

16b. A single residential parcel on the northwest corner of Barker Road and Greenfield Avenue from the MDR category to the Commercial category.

In summary, requests No. 4, 8 and 16a were denied, while the rest were approved. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

Mrs. Gennrich arrived at 11:40 a.m.

2. In the Town of Delafield, the following requests are being made:

- A. ***Kent and Lou Hanson***, request property owned by them in the SE ¼ of Section 28, Town of Delafield (Tax Key No.'s DELT 0832.013.017, DELT 0832.997, DELT 0832.998 and DELT 0832.999.004) be amended from the Rural Density Residential and Other Agricultural Lands (RDROAL) category to the Suburban I Density Residential (SDRI) category for the development of a residential housing project, including a total of 29 dwelling units.

Mr. Mace pointed out the location of the four parcels included in the request on the aerial photograph and noted the property is on the east side of S.T.H. 83, south of I-94. The petitioner is proposing a residential housing project including duplex/condominiums and single-family lots for a total of 29 dwelling units. The Planning and Zoning Division Staff recommends approval of the request subject to a number of conditions. The conditions include; that the open space areas shall be jointly owned by all participants in the project, a determination of navigability is needed from the DNR of the pond and stream and whether it is public or non-public and as part of the approval, the Town shall assume responsibility for the long-term maintenance of the common septic system for the condominium dwellers. The Town Engineer indicated that the Town has not yet made the commitment. Mr. Hanson, petitioner, clarified there will be a combination of group and individual septic systems for the development.

After discussion, Mrs. Willert moved, seconded by Mr. Baade and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- B. ***Turning Leaf Development, LLC, c/o Dennis Robus***, requests their land, located in the NE ¼ of Section 15, Town of Delafield (Tax Key No. DELT 0777.996) be amended from the SDRI and Isolated Natural area to the Low Density Urban Residential (LDR) category to accommodate nine (9) residential dwelling units on 8.5 acres.

Mr. Mace indicated the north half of the property would contain five structures (four, two-family and one, single family) with access being from Maple Avenue. There was concern with an adjacent property owner to the north regarding encroachment of the property with junk vehicles and a driveway. The petitioner has

indicated the problem will be taken care of. The property will be served with sewer and water. The Planning and Zoning Division Staff is recommending approval of the request with conditions. Mrs. Gennrich asked about the natural area to the south, to which Mr. Mace indicated it is a small wooded, steep hillside and is not large enough to qualify as a Primary or Secondary Environmental Corridor. Mrs. Haukohl asked if there were any other duplex or condominiums in the area? Mr. Mace replied, “Yes”, but not directly adjacent to the property. Mr. Klein said the adjacent properties all contain single-family residences. Mr. Mace added, a condominium/duplex development would match the Land Use Plan density once amended. Mrs. Gennrich asked if the neighbors in the Hawks Nest Subdivision had been notified of the requested change? Mr. Mace responded, “No”, however, the neighbors would be notified at the public hearing for rezoning of the property. Mrs. Gennrich pointed out that if the requested rezone complies with the Waukesha County Development Plan, most likely, the rezone would be approved. She mentioned it is important to hear from the adjacent property owners regarding these types of requests. Mrs. Haukohl asked, if the request were not approved, what is the total amount of units, which would be allowed in the present SDRI category? Mr. Mace replied, “1.5 to 2.9 dwelling units per acre or six units”. There was discussion regarding allowing the proposed change to multi-family with respect to the surrounding properties all being in the SDRI category. Mr. Klein did not think the request was appropriate. Mrs. Haukohl agreed, and said it seemed like “spot zoning”.

Mr. Robus, petitioner, stated that the requested nine units are economically feasible for the development. The environmental corridor to the south would be preserved and be for the enjoyment of the condominium owners. He said the Town Planner indicated the proposed plan meets the intent of the Town after recent changes to their planning code which now allows for subdivisions on parcels of land five acres or more. Mrs. Haukohl asked, if the request is approved, could there be nine single-family dwellings or is it limited to duplex/condominiums? Mr. Mace replied, “It could be either”. Chairperson Kipp noted, if the request is denied, five units would be allowed. Mr. Robus said there is a berm located to the west between the Hawks Nest Subdivision and the property. The two properties immediately to the north do not comply with the current zoning and are one acre or less in size. Mrs. Gennrich expressed concerns with runoff eventually going to Pewaukee Lake. Mr. Robus said there is a large ravine in the isolated natural area, which retards the runoff at a slow pace. A retention pond would be located to the east of the building, which would accommodate the rest of the runoff from the property. Mr. Mace cautioned that the basin would not be allowed to go to the isolated natural area. Mr. Robus agreed.

After discussion, Mrs. Gennrich moved, seconded by Mrs. Haukohl for denial of the request.

Mr. Kolb disagreed with denying the proposed amendment. He said the development as condominiums with nine units does not use additional land and no additional runoff would be created than the five units allowed under the current category. He asked, what is the reason for denial? Mrs. Gennrich explained she was trying to protect the neighbor’s property values. Mr. Goodchild said a preliminary layout was submitted at the public hearing and the disturbance area was minimal. Mrs. Gennrich said today’s vote is not approving a preliminary plat only a change in density. Mr. Mace suggested, if there is concern that nine single-family dwellings on lots may be allowed, the approval could be conditioned limiting it to condominiums only. Mr. Goodchild said he would be in favor of the condominium units, however, against nine residential lots and felt it was the intent of the plan submitted. Mr. Mace cautioned against assuming anything and again suggested the Commission specifically require condominiums. Mr. Robus said it is a case of economics to build units together rather than separately and that is the reason for requesting condominiums. He does not plan to develop single-family dwellings. Chairperson Kipp stated the Commission could not take economics into consideration when making a decision. Mr. Klein agreed. Mr. Kolb said it was denying the petitioner the basic use of his property. He asked if the Commission would

consider limiting the development to condominiums only? Mr. Klein replied, currently, the petitioner has use of his land and is allowed five units. Mrs. Haukohl added that zoning changes are privileges not rights. Mr. Kolb asked if the Commission would consider limiting the development to five building pads? Mrs. Willert called for the question.

Chairperson Kipp asked for a vote to go back to the original motion for denial, to which Mrs. Willert, Mrs. Gennrich, Mrs. Haukohl voted in favor (Mr. Baade, Mr. Kolb and Mr. Goodchild voted against). Because there was a tie vote, Chairperson Kipp voted in favor and by a vote of 4 to 3 the call of the question was passed.

Chairperson Kipp reiterated that the motion on the table was for denial of the request. Mrs. Willert, Mrs. Gennrich, Mrs. Haukohl voted in favor of the motion for denial (Mr. Baade, Mr. Kolb and Mr. Goodchild voted against the denial). Because there was a tie vote, Chairperson Kipp voted in favor of the motion for denial and by a vote of 4 to 3 the request was denied.

3. In the Town of Genesee, the following requests are being made:

- A. ***Donald J. Murn***, requests his land located in part of the SW ¼ of Section 25, and the NW ¼ of Section 36, Town of Genesee, (Tax Key No. GNT 1539.988) be amended to revise previously imposed conditions on his 2005 Land Use Plan Amendment to allow the development of a more conventional development pattern rather than a cluster concept as previously required.

Mr. Mace pointed out the location of the property on the aerial photograph. He said, the site was included in the 2005 amendments and as a condition of approval, the petitioner was required to develop the site as a cluster conservation subdivision. The petitioner is currently requesting the condition be revised to allow a conventional three-acre layout, with fewer and larger lots (11 lots), rain gardens and less roads resulting in less impervious surfaces. Mrs. Gennrich asked if the lots would be located outside of the environmental corridor and wetlands? Mr. Mace replied, “Yes”. Mrs. Haukohl asked if it was a water recharge area in the Town of Genesee? Mr. Mace replied, he was unsure. Mrs. Haukohl asked if a condition should be added suggesting the development maintain the permeable water recharge areas? Mrs. Gennrich replied that it was not part of the request. Mr. Mace added the Commission is being asked to change the condition imposed in 2005 from a conservation design and to allow the petitioner a standard conventional layout. Chairperson Kipp asked if access would be from Saylesville Road, to which Mr. Mace replied, “Yes” and connecting to Holiday Road at his current driveway. Mrs. Jaske said there would be less impervious surfaces and no large areas of common greenspace.

After discussion, Mr. Kolb moved, seconded by Mrs. Willert and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- B. ***Amy and Paul Dabey***, request a change in the Land Use category for their property located in the SW ¼ of Section 11, Town of Genesee (Tax Key No. GNT 1483.997) from the RDROAL category to the LDR category, for the creation of two (2) lots, one being a duplex and one being a future single-family residential lot.

Mr. Mace indicated there is currently a duplex located on the parcel. The request is to divide the property into two parcels, keeping the duplex and adding a single-family residence. The LDR category is compatible with the surrounding properties. Mrs. Haukohl asked if there would be a shared driveway? Mr. Mace replied, the petitioner may have to have a common entrance because he may not be able to get another access to C.T.H. “DE”. Mrs. Haukohl suggested a condition could be added requiring a Driveway Agreement. Chairperson Kipp disagreed and said it would be subject to the County Highway Department approving an access.

After discussion, Mr. Kolb moved, seconded by Mr. Goodchild, and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

It was decided the meeting would be adjourned at 12:30 p.m. for lunch. Mr. Kramer left the meeting at 12:30 p.m. The meeting reconvened at 1:00 p.m.

4. In the Town of Lisbon the following requests are being made:

- A. **Frederick Dahlke**, requests his property located in the SW ¼ of Section 36, of the Town of Lisbon (Tax Key No. LSBT 0287.994) be amended from the Residential and Light Industrial category to the Industrial category. **Forest Home Investors, LLC**, requests property owned by Donald and Joan Brue Trust, located in part of the SW ¼ of Section 36, Town of Lisbon, (Tax Key No. LSBT 0287.995) be amended from the LDR category to the Industrial category to recognize the existing industrial zoning category on the property.

Mr. Mace indicated that the Dahlke and Forest Home Investors, LLC. requests are being merged together. The two parcels are located next to each other and both are being requested to be changed to the Industrial category. Adjacent properties include light industrial and the Canadian National Railroad with a small railroad yard. In the future the railroad yard plans to expand its use for the loading of grain materials.

After discussion, Mrs. Haukohl moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- B. **Mark Hertzfeld, Design 2 Construction**, requests property owned by Jeff Ertl located in part of the NW ¼ of the NW ¼ of Section 4 of the Town of Lisbon, (Tax Key No. LSBT 0158.994.007) be amended from the LDR category to the Commercial category to accommodate the development of a commercial building with access from C.T.H. “Q”.

Mr. Mace indicated the property is located on the southeast corner of S.T.H. 164 and C.T.H. “Q” in the Town of Lisbon. Surrounding properties include a bank to the west, a church to the north, a cemetery and a gas station to the northwest. The petitioner currently owns the parcel to the east (Commercial category) and is proposing to build a small commercial project on the site. Because access would not be available from S.T.H. 164, the parcel in question would provide access to the development. A proposed Landscaping Plan indicated additional landscaping on the south side of the property. A condition of the Planning and Zoning Division Staff will be that additional landscaping and berming be required along the east and part of the south side of the property.

Mr. Hertzfeld from Design 2 Construction, introduced himself and wished to clarify the landscaping issue. In working with the Town of Lisbon, additional landscaping will be provided for the residential property to the east. Because the area is designated as a large detention area there is a limited amount of planting that Waukesha County will actually allow them to do inside of the detention basin. He said there is a substantial existing tree line along the east property line. The southern area will be planted as a rain garden and the septic area will have to be avoided. He further pointed out the parking, building, septic and required drainage areas. Mrs. Gennrich added, if the Planning and Zoning Division Staff feels having screening to the east is important the plans may have to be adjusted. Mr. Hertzfeld said there is an existing screening area already in place. Mr. Mace disagreed, and pointed out the area in question on the 2005 aerial photograph. He indicated it looked as if it was just planted recently and did not consider it substantial screening. The Commission agreed that as a condition of approval, additional screening would be required. Mrs. Haukohl asked if there would be a retention or detention area? Mr. Hertzfeld replied, it would be a combination of both. Chairperson Kipp inquired about the number of parking spaces and said the parking area to the north looked very large. Mr. Hertzfeld said the Town of Lisbon Plan Commission approved the Parking Plan and required additional spaces. Chairperson Kipp asked how many shops would be located in the proposed strip mall? Mr. Hertzfeld responded, that it would depend, however, approximately 14 spaces, 25' wide, 1,200 to 1,600 sq. ft. in size are proposed. Mr. Mace asked what the Town's zoning is at the present time, to which Mr. Hertzfeld replied, Commercial and Residential.

After discussion, Mr. Kolb moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- C. ***Minett Properties, Inc.***, requests property owned by Dorothy Grochowski (Tax Key No. LSBT 0216.993), located in the SE ¼ of Section 18, on the east side of Lake Five Road in the Town of Lisbon, be amended from the RDROAL category to the LDR category to accommodate the development of a detached single-family subdivision with one acre lots.

Mr. Mace said the property is approximately 16 acres in size, containing a residence and outbuildings. The Town expressed concerns regarding access to the Town Park (located to the north) from the proposed development. A specific plan has not been submitted for trail access or walkways to and from the Town Park. The Town asked (in the absence of a plan) that an easement or additional right-of-way along Lake Five Road be provided for a trail to the Town Park and is a condition of approval. Mrs. Gennrich asked what size are the lots to the south? Mr. Mace replied, approximately one acre in size. Although the petitioners requested a change to the LDR category, the Town of Lisbon Plan Commission recommended the property be changed to the SDRI category (1.5 to 2.9 acres per dwelling unit). The Town felt there would be too much density on the site as LDR. Mrs. Haukohl asked how many lots are being proposed? Mr. Mace replied, "A maximum of 10 lots." Mr. Mace indicated the Planning and Zoning Division Staff is recommending approval of the request with the following condition:

"In the absence of a specific plan for trail access, to and from the community park to the north and other residential areas, a minimum 30' wide access easement or access way be provided along and east of the dedicated road right-of-way of Lake Five Road".

After discussion, Mrs. Gennrich moved, seconded by Mrs. Willert and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- D. **John Lietzau**, requests property owned by Colgate Investments located in part of the NE ¼ of Section 3 of the Town of Lisbon, (Tax Key No.’s LSBT 0153.998 and LSBT 0153.999) be amended from the RDROAL category to the LDR category to permit the development of approximately 40 to 50 residential condominium units.

Mr. Mace indicated the property is located on C.T.H. “Q” in the Town of Lisbon. He pointed out on the aerial photograph the parcels in question. Surrounding land uses include a large gravel pit to the south and various residential parcels. The petitioner submitted a conceptual plan for the property indicating 30 buildings with a total of 60 dwelling units with access from a street connecting with C.T.H. “Q”. The Planning and Zoning Division Staff is recommending denial of the request. The Staff felt the request was inconsistent with the overall goals, standards and objectives of the newly adopted Town Land Use Plan. In addition, the Town has not completed the Town Zoning Ordinance that would make it consistent with the 1999 Development Plan amendments. He felt the Town would eventually incorporate the new rule into their Zoning Ordinance, but at the current time, it has not been done. Mr. Kolb felt the Developer was being held hostage because of the Town not doing what needs to be done. He asked if the proposal would conform if the Town had completed their work? Mr. Mace replied, “No”, it exceeds the density.

Mr. Bergman (site design consultant), said the proposed request is appropriate. The land to the west is located in the LDR category and the land to the north in Washington County has a density, which is similar to the proposed density. He added that the Town of Lisbon Plan Commission and Board approved the request. The Town also indicated they wanted to work with the petitioner who has an interest and willingness to pursue the efforts to produce a desirable cluster type development. In summary, the proposed development includes adequate screening from the highway, observes open space and setbacks from the wetlands and establishes the appropriate character for the proposed buildings. Mr. Kolb asked how many parcels would there be if the property was developed as five acre parcels vs. the proposed request of 60? Mr. Lietzau replied, eleven, five-acre parcels would be allowed. Chairperson Kipp reiterated the request is inconsistent with the overall goals, standards and objectives of the newly adopted Land Use Plan. Mr. Lietzau, said the Town Plan Commission approved the request by a vote of 4 to 3 and the Town Board approved the request by a vote of 4 to 0 and wanted the project to go forward. Mr. Kolb expressed concerns with the Town Plan Commission’s vote and subsequently the Town Board voting against their own Land Use Plan. Mrs. Cummings asked, if the Developer came forward with a Planned Unit Development in clusters, would the Staff have recommended approval? Mr. Mace replied, “No”, not at this point. He further explained it is an issue of density not complying with the 1999 amendment to the Waukesha County Development Plan and the Town has violated the goals and objectives stated in their own Land Use Plan.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich, and carried unanimously, for denial in accordance with the “Staff Report and Recommendation”.

- E. **Herb Gross**, requests his property located in part of the SW ¼ of Section 31 of the Town of Lisbon (Tax Key No. LSBT 0268.999) be amended from the RDROAL category to the LDR category to allow the development of a single-family detached residential development.

Mr. Mace indicated the property is located on Lynndale Road (C.T.H. “JK”) in the Town of Lisbon. The request was previously considered and denied in 2005. An issue of concern is that there is only one approved access to the proposed development from Willow Creek Drive (subdivision to the west). Because of very poor visibility on C.T.H. “JK”, the County Highway Department will not allow access to the development from C.T.H. “JK”. Significant improvements would need to be made to C.T.H. “JK” in order to allow access. The County Highway Department has indicated they would permit access onto C.T.H. “JK”, however, the Developer would be required to provide fairly significant design work and improvements, and at this time, the petitioner has not provided any proposals. Chairperson Kipp asked if improvements to C.T.H. “JK” are included on the Capital Improvement Plan, to which Mr. Mace replied, that there is no plan to spend public monies to improve C.T.H. “JK”. Mr. Mace said there is a possibility of a proposal coming forth for the property south of the Gross property (south side of C.T.H. “JK”) and between the two Developers the access issue could be solved. Mr. Kolb asked, if the Developer would agree to completing the improvements to C.T.H. “JK”, would the County allow an access? Mr. Mace replied, “Yes”. Mr. Kolb asked if a condition could be added stating if approval is received from the Department of Transportation regarding the above road issue, the development could go forward? Mr. Mace replied “Yes”, but the Staff is not recommending that. Chairperson Kipp said there is a current access for the farm/residence from C.T.H. “JK” and asked, if the buildings were removed could access be from that driveway? Mr. Mace replied, “No”, the Department of Transportation indicates it would be a change from a private driveway to a public street and the standards for safety and vision are different and must be met. Mrs. Haukohl asked what the total size of the parcel was, to which Mr. Mace replied approximately 90 acres. She said with a five-acre density the petitioner would be allowed 18 lots. She wondered why the request was being made in the first place? Mr. Mace replied, there was a plat, which met the RDROAL category with 18 or 19 lots and was rejected by the Town and the County because of the access issue. He added the proposed request would allow additional density (36 to 40 lots) so they can allegedly pay for the cost to reconstruct C.T.H. “JK”.

Mr. Herb Gross, property owner, said the intent is to preserve approximately 36 acres. An approval letter was received from the Department of Transportation allowing an access off of C.T.H. “JK” at a “to be determined” location based upon approval of a design suitable to the DOT. The density issues would have to be resolved in order to design the road accordingly. Mr. Pete Gross, co-owner of the property, said the surrounding properties are all located in the LDR category.

After discussion, Mr. Kolb moved, seconded by Mr. Baade, for approval, provided that all conditions of the Waukesha County Department of Transportation are adhered to regarding any modifications to C.T.H. “JK”, prior to any construction occurring.

Mrs. Gennrich asked what category the Secondary Environmental Corridor is located in and if the petitioner was taking density off of the Secondary Environmental Corridor at 1.5 acres per dwelling unit? Mr. Mace replied, the Conservancy category. Mr. Herb Gross indicated, if the request is approved density would not be taken off of the Secondary Environmental Corridor. Mr. Mace disagreed. He said the density would allow 110 units and no plans have been submitted. Mrs. Gennrich wondered if it would be appropriate to approve the request conditioned upon a maximum number of units? Mrs. Jaske expressed concerns because the request is in opposition to the Town of Lisbon’s Land Use Plan. She reminded the Commission that the Lietzau request was denied for the same reason. Mr. Mace agreed, and said the Planning and Zoning Division Staff feels the Town should act to create the provisions called for in the 1999 WCDP amendment.

Mr. Kolb asked how the Town voted on the request? Mr. Mace answered, the Town of Lisbon Plan Commission rejected the request and recommended the land use category be kept in the five-acre RDROAL category. Mr. Gross said the Town Plan Commission denied the request and the Town Board voted in favor of the request including the provision of the road. Chairperson Kipp said the Town of Lisbon should address the issues. Mrs. Haukohl said the Planning and Zoning Division Staff is recommending denial of the request and that the petitioner come back in 2007 with a PUD and the Town incorporate the PUD provisions into their Ordinance. Mr. Kolb did not agree with delaying the amendment for another year. He felt his motion for approval as conditioned was appropriate. Mr. Klein said how the road is laid out has a great deal to do with the density and the Staff would need to review a plan to decide what the proper density should be. He said the decision for density should not be made based on the cost of the road improvements. Mrs. Gennrich called for the question.

After discussion, the motion for approval including the DOT conditions was defeated by a vote of 4 to 3 (Mr. Goodchild, Chairperson Kipp, Mrs. Gennrich and Mrs. Haukohl voted against).

Mrs. Haukohl moved, seconded by Mrs. Gennrich, for denial in accordance with the “Staff Report and Recommendation”. The motion was carried by a vote of 4 to 3 (Mr. Kolb, Mr. Baade and Mrs. Willert voted against).

5. In the Town of Merton, the following requests are being made:

- A. ***Harmony Homes, Inc.***, requests property owned by Gerhardt and Agnes Tetzlaff (Tax Key No. MRTT 0358.999), Randolph and Debra Richter (Tax Key No. MRTT 0358.998.003), Michael Graff (Tax Key No. MRTT 0358.998.002) and Herbert Werth (Tax Key No. MRTT 0358.998.004) located in the NW ¼ of Section 18 of the Town of Merton, be amended from the RDROAL category to the Suburban II Density Residential category to permit the development of an open space cluster concept, single-family residential development for approximately 21 residential units on 73.9 acres of land.

Mrs. Willert excused herself from the meeting due to a conflict of interest.

Mr. Mace indicated the property is located on the west side of the Town of Merton (between Townline Road and Stone Bank Road), adjacent to the Town of Oconomowoc. Surrounding properties include the Union Pacific Railroad to the north, prime agricultural land to the west, and large lot residential uses to the south, east and north. Included in the request is a portion of the two parcels located to the south in order to meet the 3.5 acre minimum requirement. The petitioners are proposing a Planned Unit Development with 58% common open space at 3.5-acre densities. A layout plan was submitted with a total of 23 lots including the two parcels being set aside for one of the owners and a family member. There is a significant slope on the west end of the property. He pointed out on the layout plan the location of the proposed lots.

Mr. Zesnanski, from Harmony Homes, introduced himself and said the development is consistent with other surrounding developments. The Town conceptually approved the request with minor revisions. Chairperson Kipp asked if access would be via both Townline and Stone Bank Roads. Mr. Zesnanski replied “Yes”.

After discussion, Mr. Goodchild moved, seconded by Mrs. Haukohl and carried by a vote of 6 to 0 (Mrs. Willert did not vote due to a conflict of interest) for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

6. In the Town of Vernon, the following request is being made:

- A. *The Town of Vernon Plan Commission and Town Board*, requests amendments to various areas in the Town of Vernon. It should be noted that some of the areas in question are located within the Big Bend Extraterritorial Planning Jurisdiction and will have to be approved by the Village of Big Bend in order to be incorporated into this amendment. The changes are located throughout the Town and comprise a number of parcels. A copy of the plan is available at the office of the Waukesha County Parks and Land Use Department, Planning and Zoning Division.

Mr. Mace indicated there are two areas in the Town of Vernon, which are being considered. Although the Town of Vernon included the Morningstar Golf Course property in the request, the Waukesha County Plan indicates the land is currently located in the Recreational category and no amendment is necessary.

One area of amendment is located on the corner of National Avenue, I-43 and Hi-Lo Drive and is requested to be amended to the SDRI category (1.5 to 2.9 dwelling units per acre). The other area of amendment is a cemetery, located in Section 27, requested to be amended to the Governmental and Institutional category.

After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

RESOLUTIONS

• YEAR 2006 APPROVAL OF AMENDMENTS TO THE WAUKESHA COUNTY DEVELOPMENT PLAN

Mrs. Willert moved, seconded by Mr. Goodchild and carried unanimously by the Waukesha County Park and Planning Commission, for approval of the final Resolution as amended, in the motions stated above.

The Land Use, Parks and Environment Committee will vote on the Approval Resolution at an upcoming meeting of their Committee.

• YEAR 2006 DENIAL OF AMENDMENTS TO THE WAUKESHA COUNTY DEVELOPMENT PLAN

Mrs. Willert moved, seconded by Mr. Goodchild and carried unanimously by the Waukesha County Park and Planning Commission, for approval of the final Resolution as amended.

The Land Use, Parks and Environment Committee will vote on the Denial Resolution at an upcoming meeting of their Committee.

ADJOURNMENT

There being no further business to come before the Park and Planning Commission, Mr. Baade moved, seconded by Mr. Goodchild and carried unanimously, to adjourn at 2:50 p.m.

Respectfully submitted,

Pat Haukohl
Secretary, Park and Planning Commission

MK/PJ:kb